**State of Maine: Notice of Agency Rulemaking – May 4, 2022**

**PROPOSALS**

AGENCY: **01-015** – Department of Agriculture, Conservation and Forestry (DACF), **Maine Milk Commission (MMC)**

CHAPTER NUMBER AND TITLE: **Ch. 3**, Schedule of Minimum Prices, **Order #06-22**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P060**

BRIEF SUMMARY: The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRS §2954.

PUBLIC HEARING: May 19, 2022, Thursday, starting at 10:30 a.m. *Room 101, Department of Agriculture, Conservation & Forestry, Deering Building, Hospital Street, Augusta, Maine.*

COMMENT DEADLINE: May 19, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / MMC RULEMAKING LIAISON: Julie-Marie Bickford, Maine Milk Commission, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521. Email: Julie-Marie.Bickford@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 5 MRS 8054; 7 MRS §2954

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*:

MMC WEBSITE: <https://www.maine.gov/dacf/milkcommission/index.shtml>.

AGENCY: **16-633** – Department of Public Safety (DPS), **Gambling Control Unit**

CHAPTER NUMBER AND TITLE: **Ch. 5**, Internal Controls and Appendix A

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P061**

BRIEF SUMMARY: The rule package updates the rules governing casino operations.

PUBLIC HEARING: May 24, 2022 @ 9:00 a.m. at 45 Commerce Drive, Augusta. Maine

COMMENT DEADLINE: June 3, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / AGENCY RULEMAKING LIAISON: Milton Champion, 45 Commerce Drive - Suite 3, Augusta ME 04333-0087. Telephone: (207) 626-3901. Email: Milton.F.Champion@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE:8 MRS §1003(1)(B)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*: N/A

UNIT WEBSITE: <https://www.maine.gov/dps/gamb-control/> .

DEPARTMENT OF PUBLIC SAFETY WEBSITE: <https://www.maine.gov/dps/>.

DPS RULEMAKING LIAISON: Christopher.Parr@Maine.gov.

AGENCY: **29-250** - Secretary of State (SOS), **Bureau of Motor Vehicles (BMV)**

CHAPTER NUMBER AND TITLE: **Ch. 172**, Rules Governing the Issuance of Vanity Registration Plates

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P062**

BRIEF SUMMARY: This rule implements 29-A MRS §453 subsection 3-A, which authorizes the Secretary of State to refuse to issue or recall vanity registration plates that meet certain criteria, and 3-B, which authorizes the right to appeal the Secretary of State’s decision. This rule is created by the authority expressly stated in 29-A MRSA §453 subsection 3-C.

PUBLIC HEARING: May 27, 2022 - 10:00 a.m., Transportation Committee Room, State House Room 126, Augusta, ME 04333

COMMENT DEADLINE: June 6, 2022

PUBLIC COMMENT FOR THIS FILING: Bureau of Motor Vehicles, 29 State House State, Augusta, ME 04333. Telephone: Telephone: (207) 624-9000. Fax: (207) 624-9013. TTY Users call Maine relay 711. Email: PublicComment.SOS@Maine.gov.

CONTACT PERSON FOR SMALL BUSINESS IMPACT INFORMATION / BMV RULEMAKING LIAISON*:* Tina.B.Corkum@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 29-A MRS §453 subsection 3-C

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*:

BMV WEBSITE: <https://www.maine.gov/sos/bmv/>.

**ADOPTIONS**

AGENCY: **01-015** – Department of Agriculture, Conservation and Forestry (DACF), **Maine Milk Commission (MMC)**

CHAPTER NUMBER AND TITLE: **Ch. 3**, Schedule of Minimum Prices, **Order #05-22**

ADOPTED RULE NUMBER: **2022-068***(Emergency)*

CONCISE SUMMARY: Minimum May 2022 Class I price is $28.70/cwt. plus $1.58/cwt. for Producer Margins, an over-order premium of $1.04/cwt. as being prevailing in Southern New England and $0.47/cwt. handling fee for a total of $31.99/cwt. that includes a $0.20/cwt. Federal promotion fee.

EFFECTIVE DATE: May 1, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / MMC RULEMAKING LIAISON: Julie-Marie Bickford, Maine Milk Commission, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521. Email: Julie-Marie.Bickford@Maine.gov.

MMC WEBSITE: <https://www.maine.gov/dacf/milkcommission/index.shtml>.

AGENCY: **10-148** - Department of Health and Human Services (DHHS), **Office of Child and Family Services (OCFS)**

CHAPTER NUMBER AND TITLE: **Ch. 33**, Family Child Care Provider Licensing Rule

ADOPTED RULE NUMBER: **2022-069**

CONCISE SUMMARY: The Department of Health and Human Services (the “Department”) finally adopts major substantive portions of 10-148 CMR ch. 33, *Family Child Care Provider Licensing Rule* and repeals 10-144 CMR ch. 33, *Family Child Care Provider Licensing Rule*. This rulemaking has been reviewed and approved by the legislature (L. 1864 (130th Legis. 2021) with an emergency resolve effective March 31, 2022. Resolves 2021 ch.138. The resolve authorizes the Department to finally adopt ch. 33, *Family Child Care Provider Licensing Rule*, only if the following changes are made:

**1.** The rule must be amended to remove the definition of critical violation in section 1.B.11 as a category of violation by providers that do not meet licensing requirements;

**2.** The rule must be amended to remove all references to “CV” for critical violations from the margins;

**3.** In section 2.G.12, the rule must be amended to require providers to enroll rather than register with the Quality Rating and Improvement System within the Office of Child and Family Services;

**4.** In section 6.F.4, the rule must be amended to remove the requirement for providers to notify the department of a critical violation within 24 hours of occurrence;

**5.** In section 7.F.5 and 7.F.6, the rule must be amended to specify that the immunization records of providers and staff members document immunity against tetanus, pertussis and diphtheria;

**6.** In section 8.A.10, the rule must be amended to clarify that training for staff members on transportation of children is required biennially rather than biannually;

**7.** In section 12.A.1.a, the rule must be amended to update the child care immunization standards from those published in September 2019 to those published on August 8, 2021;

**8.** In section 14.M, the rule must be amended to remove the requirement for both hot and cold running water in toilet facilities and only require running water; and

**9.** The rule must be amended to remove administrative fines from section 20.D as an option for noncompliance with licensing rules and removed from section 20.P.1.c.v from actions that are afforded the right to appeal.

The finally adopted rule includes these required changes from the provisionally adopted rule.

Substantive changes in the final rule include adding new federal requirements of the 2014 reauthorization of the *Child Care and Development Block Grant* (CCDBG), changing requirements necessary to meet the health and safety needs of children in family child care settings, and removing and modifying provisions in the current rule in order to streamline requirements and processes. Significant major substantive changes adopted in this rulemaking include: adding requirements that are governed by statute back into the rule to more clearly describe provider licensing responsibilities; clarifying definitions; requiring compliance with comprehensive background checks pursuant 10-148 CMR ch. 34; adding requirements for provider handbook and staff manual; increasing record retention from two years to three years; updating immunization requirements; clarifying and adding requirements for notifications to the Department; adding staff qualifications and requirements; specifying orientation and ongoing training requirements; adding a requirement for registration with Maine’s Professional Development Network; adding child and parent rights; adding time requirements for outdoor play; adding a requirement for a carbon monoxide detector; changing temperature requirements, adding swimming requirements; adding healthy meal and snack requirements; adding disqualifying driving offenses prohibiting provider transport of children; prohibiting swaddling; and modifying requirements for nighttime care.

EFFECTIVE DATE: May 27, 2022

OCFS CONTACT PERSON: Janet Whitten, Office of Child and Family Services, 2 Anthony Avenue - 11 State House Station, Augusta, ME 04333-0011. Telephone: (207) 287-7068. Email: Janet.Whitten@Maine.gov.

OCFS WEBSITE: <https://www.maine.gov/dhhs/ocfs>.

DHHS WEBSITE: <https://www.maine.gov/dhhs/>.

DHHS RULEMAKING LIAISON: Kevin.Wells@Maine.gov.

AGENCY: **02-031** - Department of Professional & Financial Regulation (PFR), **Bureau of Insurance**

CHAPTER NUMBER AND TITLE: **Ch. 365**, Standards for Independent Dispute Resolution of Emergency Medical Service Bills

ADOPTED RULE NUMBER: **2022-070**

CONCISE SUMMARY: The purpose of the proposed rulemaking is to conform the current rule to changes enacted by PL 2021 c. 222 (LD 46, *An Act To Further Protect Consumers from Surprise Medical Bills*), repealing the $750 threshold for requesting dispute resolution of a bill, and prohibiting a provider from requesting resolution of a health care service for 90 days after a IDR entity has determined a fee for the same service; and to eliminate the IDR ambulance exclusion consistent with the October 1, 2021 repeal of 24-A MRS §4303-C(2)(D).

EFFECTIVE DATE: May 1, 2022

BUREAU CONTACT PERSON / SMALL BUSINESS IMPACT INFORMATION / RULEMAKING LIAISON: Benjamin Yardley, Senior Staff Attorney, Department of Professional & Financial Regulation - Bureau of Insurance, 76 Northern Avenue – 34 State House Station, Gardiner, ME 04345. Telephone: (207) 624-8537. Email: Benjamin.Yardley@Maine.gov.

BUREAU WEBSITE: <https://www.maine.gov/pfr/insurance/home>.

AGENCY: **13-188 – Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 25**, Lobster and Crab: **25.04**, Lobster Trawl Limits (Hancock County)

ADOPTED RULE NUMBER: **2022-071**

CONCISE SUMMARY: This rule modifies an existing 3-trap maximum in Zone B to a 5‑trap maximum to comply with the new Atlantic Large Whale Take Reduction Team rule.

EFFECTIVE DATE: May 1, 2022

DMR CONTACT PERSON: Lorraine Morris, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333. Telephone: (207) 441-5319. Fax: (207) 624-6024. TTY: (207) 633-9500 (Deaf/Hard of Hearing). Email: DMRLobster@Maine.gov.

DMR RULEMAKING WEBSITE: <http://www.maine.gov/dmr/rulemaking/>.

DMR WEBSITE: <https://www.maine.gov/dmr/>.

DMR RULEMAKING LIAISON: Deirdre.Gilbert@Maine.gov.

AGENCY: **13-188 – Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 75**, Protected Resources

ADOPTED RULE NUMBER: **2022-072**

CONCISE SUMMARY: This rule incorporates the measures in the 2021 Atlantic Large Whale Take Reduction Plan final rule for 1700-pound weak link inserts, gear marking requirements, minimum trawl lengths, and defines the LMA1 Restricted Area.

EFFECTIVE DATE: May 1, 2022

DMR CONTACT PERSON: Lorraine Morris, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333. Telephone: (207) 441-5319. Fax: (207) 624-6024. TTY: (207) 633-9500 (Deaf/Hard of Hearing). Email: DMRLobster@Maine.gov.

DMR RULEMAKING WEBSITE: <http://www.maine.gov/dmr/rulemaking/>.

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DMR RULEMAKING LIAISON: Deirdre.Gilbert@Maine.gov.

AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 50**, Spiny Dogfish and Coastal Sharks: **50.02(A)**, Spiny Dogfish Harvest, Possession, and Landing Restrictions

ADOPTED RULE NUMBER: **2022-073***(Emergency)*

CONCISE SUMMARY: This emergency rule increases the spiny dogfish commercial trip limit in Maine state waters to 7,500 pounds per calendar day or 24-hour period. This increased trip limit aligns Maine’s regulations with the 2022 fishing year spiny dogfish specifications published by NOAA Fisheries on April 7, 2022 and with a recent vote at the Atlantic States Marine Fisheries Commission to mirror the federal waters trip limit in state waters.

EFFECTIVE DATE: May 1, 2022

DMR CONTACT PERSON: Megan Ware, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 446-0932. Fax: (207) 624-6024. TTY: (888) 577-6690 (Deaf/Hard of Hearing). Email: Megan.Ware@Maine.gov.

DMR RULEMAKING WEBSITE: <http://www.maine.gov/dmr/rulemaking/>.

DMR WEBSITE: <https://www.maine.gov/dmr/>.

DMR RULEMAKING LIAISON: Deirdre.Gilbert@Maine.gov.

AGENCY: **90-590 - Maine Health Data Organization (MHDO)**

CHAPTER NUMBER AND RULE TITLE: **Ch. 120**, Release of Data to the Public *(Major Substantive Rule)*

ADOPTED RULE NUMBER: **2022-074**

CONCISE SUMMARY: These changes update definitions and several data elements available for release to authorized data recipients based on how our data user’s needs have changed; and due to new and existing laws that allow for the collection of certain data elements as well as the release of these data, including PL 2021 ch. 423 and PL 2017 ch. 218.

This major substantive rule was provisionally adopted by the Maine Health Data Organization on December 2, 2021. As a major substantive rule, it was sent to the Legislature for approval. On March 9, 2022 the Legislature authorized adoption of the amended rule, as an emergency. Resolves 2022 ch.129.

This rule will not have a fiscal impact on municipalities, counties or small businesses. Copies of these rules can be reviewed and printed from the MHDO website at <https://mhdo.maine.gov/rules.htm> or, to receive a paper copy call (207) 287-6722.

EFFECTIVE DATE: May 28, 2022

MHDO CONTACT PERSON / RULEMAKING LIAISON: Debra Dodge, Health Planner, Maine Health Data Organization, 151 Capitol Street - 102 State House Station, Augusta, ME 04333-0102. Telephone: (207) 287-6722. Fax: (207) 287-6732. Email: Debra.J.Dodge@Maine.gov.

MHDO WEBSITE: <https://mhdo.maine.gov/>.